

Message Text

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TO AMEMBASSY BUCHAREST PRIORITY

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EXDIS

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SUBJECT: US-ROMANIAN COMMERCIAL AGREEMENT

REF: BUCHAREST 5367

1. ROMANIAN DRAFT TEXT TRANSMITTED PER REFTTEL.
2. QUOTE "TRADE AGREEMENT BETWEEN THE SOCIALIST
REPUBLIC OF ROMANIA AND THE UNITED STATES OF AMERICA"

THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA
AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

-- HIGHLY APPRECIATING THE FAVORABLE DEVELOPMENT TO DATE
OF THE ECONOMIC RELATIONS BETWEEN THE TWO COUNTRIES,

-- DESIRING TO FURTHER DEVELOP AND INTENSIFY THE
COMMERCIAL EXCHANGES BETWEEN THEIR TWO COUNTRIES, ON
THE BASIS OF PRINCIPLES OF NATIONAL SOVEREIGNTY AND
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INDEPENDENCE, EQUALITY IN RIGHTS, MUTUAL ADVANTAGE,
NON-INTERFERENCE IN DOMESTIC AFFAIRS, REFRAINING FROM
THE THREAT OR USE OF FORCE.

-- NOTING THE EXISTENCE OF THE FAVORABLE CONDITIONS FOR INTENSIFYING AND DIVERSIFYING THE ECONOMIC RELATIONS BETWEEN TWO COUNTRIES, AS WELL AS THE FACT THAT THEY ARE BOTH MEMBERS OF UNCTAD, GATT, OF THE INTERNATIONAL MONETARY FUND AND THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT,

-- TAKING INTO ACCOUNT THE RESPECTIVE LEVEL OF THEIR ECONOMIC DEVELOPMENT, THE CHARACTERISTICS OF THE TWO ECONOMIES WITHIN THEIR ECONOMIC RELATIONS AND POLICIES IMPLEMENTATION IN ACCORDANCE WITH LAWS AND REGULATIONS IN FORCE IN THE TWO COUNTRIES,

-- DETERMINED TO ACT TO FULLY IMPLEMENT THE GUIDELINES OF THE JOINT STATEMENT ON ECONOMIC, INDUSTRIAL AND TECHNOLOGICAL COOPERATION BETWEEN THE SOCIALIST REPUBLIC OF ROMANIA AND THE UNITED STATES OF AMERICA OF DECEMBER 5, 1973, HAVE AGREED THE FOLLOWING:

-- ARTICLE I

-- EACH CONTRACTING PARTY SHALL PROVIDE, ON A MUTUAL BASIS IMMEDIATELY AND UNCONDITIONALLY, THE TREATMENT OF THE MOST-FAVORED-NATION TO ALL PRODUCTS WHICH ARE ORIGINATING FROM OR WHICH ARE DESTINED TO THE TERRITORY OF THE OTHER CONTRACTING PARTY AS REGARDS:

-- - CUSTOM DUTIES AND TAXES OF ANY KIND APPLIED TO OR RELATED TO IMPORTS OR EXPORTS OF GOODS OR TO RELATED TRANSFERS OF FUNDS.

-- - METHODS OF LEVYING OF SUCH TARIFFS AND TAXES, AS WELL AS REGARDING ALL RULES AND FORMALITIES RELATED TO IMPORTS OR EXPORT, AS A WHOLE.

-- IN THE EVENT EITHER CONTRACTING PARTY APPLIES QUANTITATIVE RESTRICTIONS TO PRODUCTS ORIGINATING IN LIMITED OFFICIAL USE
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OR EXPORTED TO THIRD COUNTRIES, IT SHALL AFFORD TO LIKE PRODUCTS ORIGINATED IN OR EXPORTED TO THE TERRITORY OF THE OTHER PARTY EQUITABLE TREATMENT VIS-A-VIS THAT APPLIED IN RESPECT OF SUCH THIRD COUNTRIES.

-- EACH CONTRACTING PARTY SHALL PROVIDE IMMEDIATELY AND UNCONDITIONALLY, ON A MUTUAL BASIS, FOR THE PRODUCTS OF THE OTHER CONTRACTING PARTY THE MOST-FAVORED-NATION TREATMENT AS REGARDS ALL MATTERS RELATED TO:

-- - DOMESTIC TAXES OR ANY OTHER KIND OF DOMESTIC DUES

APPLIED FOR OR RELATED TO THE IMPORTED GOODS.

-- - ALL LAWS, REGULATIONS AND FORMALITIES AFFECTING THE INTERNAL OFFER, THE OFFER FOR THE SALE, PURCHASE, TRANSPORT, DISTRIBUTION OR USE OF THE IMPORTED GOODS ON THE TERRITORY OF EITHER CONTRACTING PARTY, AS WELL AS THE DOMESTIC QUANTITATIVE REGULATIONS REGARDING THE BLENDING, THE PROCESSING OR USE OF SPECIFIC PRODUCTS WITHIN DETERMINED QUANTITIES OR PROPORTIONS.

-- ANY ADVANTAGE, FAVOR, PRIVILEGE OR EXEMPTION WHICH HAS BEEN OR SHALL BE POSSIBLY GRANTED IN THE FUTURE BY EITHER CONTRACTING PARTY FOR ANY PRODUCT OF A THIRD COUNTRY - IN CONNECTION WITH THE ABOVE PROVISIONS - SHALL BE IMMEDIATELY AND UNCONDITIONALLY GRANTED TO THE PRODUCTS OF THE SAME KIND, MANUFACTURED ON THE TERRITORY

OF THE OTHER CONTRACTING PARTY, IRRESPECTIVELY OF THE CARRIER'S NATIONALITY.

-- ARTICLE II

-- THE MOST-FAVORED-NATION TREATMENT MENTIONED BY ARTICLE I AND VIII OF THIS AGREEMENT IS NOT TO BE APPLIED TO THE ADVANTAGES WHICH:

-- A. ANY OF THE CONTRACTING PARTIES HAVE GRANTED OR WILL GRANT TO NEIGHBORING COUNTRIES WITH A VIEW TO FACILITATING ITS BORDER TRADE.
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-- B. THE CONTRACTING PARTIES HAVE GRANTED OR WILL GRANT TO THIRD COUNTRIES AS A RESULT OF THEIR PARTICIPATION IN FREE TRADE AREAS AND CUSTOM UNIONS.

-- ARTICLE III

-- ACKNOWLEDGING THE DIFFERENCES IN THE LEVEL OF DEVELOPMENT OF THE ECONOMICS OF THEIR COUNTRIES, THE CONTRACTING PARTIES AGREE FOR ROMANIA - AS A DEVELOPING COUNTRY - TO BE GRANTED THE SAME FACILITIES, NON-MUTUALLY AND WITHOUT DISCRIMINATION, IN THE SAME WAY AS TO OTHER DEVELOPING COUNTRIES, AND TO BENEFIT BY CREDIT AND FINANCING FACILITIES FOR THE PURCHASE OF COMMODITIES, ESTABLISHED BY THE USA FOR DEVELOPING COUNTRIES.

-- ARTICLE IV

-- THE TWO GOVERNMENTS WILL TAKE APPROPRIATE MEASURES TO STIMULATE THEIR MUTUAL TRADE, WITH ANY KIND OF

PRODUCTS, USING FOR THIS AIM, TO THE GREATEST
EXTENT, VARIOUS FIRMS, ECONOMIC ORGANIZATIONS AND THEIR
SPECIALIZED TRADE INSTITUTIONS.

-- THE COMMERCIAL TRANSACTIONS WILL BE MADE ON BASIS
OF CONTRACT ARRANGEMENTS CONCLUDED BETWEEN FOREIGN
TRADE ORGANIZATIONS OF THE SOCIALIST REPUBLIC
OF ROMANIA AS LEGAL PERSONS, ON ONE HAND, AND NATURAL
OR LEGAL PERSONS OF THE UNITED STATES OF AMERICA ON THE
OTHER HAND.

-- ARTICLE V

-- ALL THE MUTUAL PAYMENTS SHALL BE MADE IN US DOLLARS
OR IN ANY OTHER FREELY CONVERTIBLE CURRENCY, MUTUALLY
AGREED UPON, ACCORDING TO THE REGULATIONS IN FORCE IN THE
TWO COUNTRIES.

-- ARTICLE VI

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-- THE TWO GOVERNMENTS AGREE TO ENCOURAGE THE EXCHANGE
OF COMMERCIAL MISSIONS AS WELL AS DIRECT CONTACTS
BETWEEN INSTITUTIONS, ENTERPRISES AND SPECIALISTS OF
THE TWO COUNTRIES. EACH COUNTRY SHALL FACILITATE
THE ENTRY AND THE TRAVEL OF OFFICIAL REPRESENTATIVES,
EXPERTS, TECHNICIANS AND CONSULTANTS OF THE OTHER COUNTRY,
EMPLOYED IN CONNECTION WITH COMMERCIAL OPERATIONS
BETWEEN ECONOMIC ORGANIZATIONS OF THEIR COUNTRIES,
AS WELL AS OF MEMBERS OF THEIR FAMILIES.

-- THE TWO PARTIES SHALL ALSO TAKE ADEQUATE MEASURES TO
FACILITATE THE OPENING OF OWN REPRESENTATIONS OF THE
ENTERPRISES AND OF OTHER ECONOMIC ORGANIZATIONS OF
EITHER COUNTRY ON THE TERRITORY OF THE OTHER.

-- ARTICLE VII

-- EACH PARTY UNDERTAKES TO GRANT TO THE CITIZENS,
FIRMS, ENTERPRISES AND ECONOMIC ORGANIZATIONS OF THE
OTHER PARTY PROTECTION OF INVENTIONS, TRADE MARKS
AND TRADE NAMES IN ACCORDANCE WITH THE STIPULATIONS
OF PERTINENT INTERNATIONAL CONVENTIONS TO WHICH THE
TWO COUNTRIES ARE PARTIES.

-- ARTICLE VIII

THE SHIPS UNDER AMERICAN AND ROMANIAN FLAG, AS WELL
AS THEIR CARGO AND CREWS WILL ENJOY THE TREATMENT OF THE
MOST-FAVORED-NATION WHEN THEY ARRIVE, LEAVE AND STAY

IN THE HARBORS AND ANCHORAGE PLACES OF THE OTHER
CONTRACTING STATE, WITHOUT BEING DETRIMENTAL TO THE
SOVEREIGN RIGHTS OF EACH COUNTRY TO DELIMIT CERTAIN
AREAS FOR NATIONAL SECURITY REASONS.

-- THE ABOVE WILL NOT AFFECT THE OBLIGATIONS REGARDING
THE USE OF SERVICES PRACTICED BY FOREIGN COMMERCIAL
SHIPS IN THE NATIONAL WATERS OF EACH COUNTRY, IN
ACCORDANCE
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